

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

MARCUS CHOICE WILLIAMS  
A/K/A AYANA SATYAGRAHI

VS.

M. K. LEWIS, ET AL.

§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 1:19-CV-42

REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner currently confined at the United States Penitentiary in Marion, Illinois, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

This action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

On June 29, 2020, plaintiff moved to dismiss the complaint. Pursuant to Federal Rule of Civil Procedure 41(a)(2), plaintiff may dismiss the case voluntarily upon terms that the court considers proper. In this case, the interests of justice will be served by granting plaintiff's motion to dismiss.<sup>1</sup>

Recommendation

Plaintiff's motion to dismiss should be granted.

---

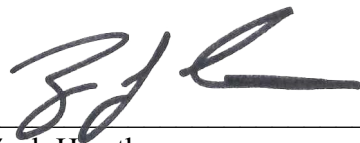
<sup>1</sup> Plaintiff also requests that the court vacate the collection order for payment of the filing fee. Plaintiff's obligation to pay the filing fee attached when the complaint was filed. The court has no discretion to relieve plaintiff of that obligation. *Hatchet v. Nettles*, 201 F.3d 651, 654 (5th Cir. 2000).

Objections

Within fourteen days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings of facts, conclusions of law and recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

Failure to file written objections to the proposed findings of facts, conclusions of law and recommendations contained within this report within fourteen days after service shall bar an aggrieved party from the entitlement of *de novo* review by the district court of the proposed findings, conclusions and recommendations and from appellate review of factual findings and legal conclusions accepted by the district court except on grounds of plain error. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72.

SIGNED this 30th day of July, 2020.

  
\_\_\_\_\_  
Zack Hawthorn  
United States Magistrate Judge